

FILED
JEANNE A. NAUGHTON, CLERK

MAR 27 2019

**UNITED STATES BANKRUPTCY COURT
DISTRICT OF NEW JERSEY**

**U.S. BANKRUPTCY COURT
NEWARK, N.J.
BY H. Guay DEPUTY**

In Re:

FRANCISCUS MARIA DARTEE,

Debtor.

Case No.: 18-26407 (JKS)


Chapter 11

Judge: Hon. John K. Sherwood

**ORDER DENYING MOTION
FOR AN ORDER VACATING CONVERSION OF
CHAPTER 11 CASE TO CHAPTER 7**

The relief set forth on the following page, numbered two (2), is hereby **ORDERED**.

Dated: March 27, 2019



HONORABLE JOHN K. SHERWOOD
UNITED STATES BANKRUPTCY JUDGE

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Debtor: Franciscus Maria Dartee

Case No.: 18-26407 (JKS)

Caption: Order Denying Motion for an Order Vacating Conversion of Chapter 11 Case to Chapter 7

This matter having come before the Court upon the motion of Franciscus M. Dartee (“Debtor”), for an order to vacate this Court’s Order, dated February 7, 2019, converting the Debtor’s chapter 11 case to chapter 7 [Doc. 61]; and the Court having reviewed the pleadings; and for the reasons set forth on the record; and for good cause shown, the Court finds:

1. The Debtor has argued that the Court’s previous Order is invalid because all writs and process must bear the seal of the court and the signature of the clerk pursuant to 28 U.S.C. § 1691. However, orders issued by the Court are not included in the terms “writs and process” as used in 28 U.S.C. § 1691 (*see In re Press Printers and Publishers, Inc.*, 12 F.2d 660, 662 (3d Cir. 1926));
2. The provisions as to teste of process included in 28 U.S.C. § 1691 have been superseded by *Federal Rule of Civil Procedure 4(b)*, which omits the requirement that writs and process from the court be under the seal of the court or signed by the clerk; and
3. It is authorized to electronically enter orders that bear the seal of the Bankruptcy Court (*see* General Order re: Electronic Filing Procedures dated 3/27/02);

Now, therefore, it is hereby **ORDERED**:

1. Debtor’s motion to vacate this Court’s Order dated February 7, 2019 is denied.